

REMARKS

The office action of October 31, 2003, has been carefully considered.

It is noted that claims 13, 20-22 and 25 are objected to for containing various informalities.

Claims 1 and 4-9 are rejected under 35 U.S.C. 102(b) over the patent to Montgomery.

Claims 1, 4, 6-9 and 11 are rejected under 35 U.S.C. 102(b) over the patent to Wright.

Claims 1-3 are rejected under 35 U.S.C. 102(b) over the patent to Sheetz.

Claims 12-14, 22, 25-28, 30-32, 34, 36-38, 40, 50 and 51 are rejected under 35 U.S.C. 102(b) over the patent to Tas.

Claim 10 is rejected under 35 U.S.C. 103(a) over Montgomery.

Finally, it is noted that claims 15-21, 29, 33, 35, 39, 41-46, 48 and 49 would be allowable if rewritten in independent form.

In connection with the Examiner's objections to several of the claims, applicant could not find the phrases indicated by the Examiner in claims 13, 22 and 25. Applicant has, however corrected similar informalities in claims 18, 20 and 21.

In view of these considerations it is respectfully submitted that the objections to claims 13, 20-22 and 25 are overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent to Montgomery, it can be seen that this patent discloses spiders for scale beams. Montgomery does not disclose a load receiver formed by an arrangement of arms. A load receiver as defined in the present application is a part of a balance that receives the load to be weighed, including any other load receiving device (see page

14, lines 7-12 of the specification of the present application).
Fig. 1 of Montgomery only shows a load receiver carrier shaped as an arrangement of arms. Montgomery deals with a different subject than the present invention. The load receiver carrier of Montgomery is specifically designed for preventing slipping of the tray. There is no disclosure of a load receiver as in the present invention which has an arrangement of arms that is designed to support weights of varying size and form, and to center the weights on the load receiver.

In view of these considerations it is respectfully submitted that the rejection of claims 1 and 4-9 under 35 U.S.C. 102(b) and the rejection of claim 10 under 35 U.S.C. 103(a) over the above-discussed reference are overcome and should be withdrawn.

The patent to Wright discloses a scoop balance scale. Wright does not disclose a load receiver, but instead discloses a load receiver carrier. This carrier is shown in Figs. 2 and 4 of Wright as a fork f. As stated in lines 55-59 of Wright, the item to be weighed is not weighed directly on the load receiver carrier. Wright provides no disclosure of a load receiver as in the present invention which has an arrangement of arms that is designed to support weights of varying size and form, and to center the weights

on the load receiver.

In view of these considerations it is respectfully submitted that the rejection of claims 1, 4, 6-9 and 11 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

The patent to Sheetz discloses an adjustable spring-balanced scale. Sheetz does not disclose a load receiver constructed of an arm arrangement, as in the present invention. Instead, in Fig. 1, Sheetz discloses a closed pocket-shaped load receiver 12 with a depression for holding fruit to be weighed. Furthermore, Sheetz does not disclose an arm arrangement that has a first depression sloped at a variable first slope angle towards a mid-point of the load receiver, as in the presently claimed invention.

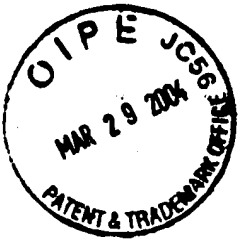
In view of these considerations it is respectfully submitted that the rejection of claims 1-3 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

The patent to Tas discloses an apparatus for sorting spherical products according to weight. Tas does not disclose a loading stage, nor a combination of a receiver and a loading stage, nor a

mass comparator as recited in claims 12, 26 and 31, respectively. Claim 12 has been amended to include the subject matter of allowable dependent claim 15, claim 31 has been amended to include subject matter from allowable dependent claim 33, and claim 26 has been amended to include the subject matter of dependent claim 15. Thus, it is respectfully submitted that Tas does not disclose the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claims 12-14, 22, 25-28, 30-32, 34, 36-38, 40, 50 and 51 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.



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Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on March 25, 2004.

By: *F. Kueffner*
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Date: March 25, 2004